

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1592

Introduced by Senator Torlakson

February 20, 2004

An act to add Section 65458 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 1592, as amended, Torlakson. Local planning.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes a housing element, land use element, and an open-space element. The law authorizes the preparation of specific plans for the systematic implementation of the general plan.

This bill would, *except as specified*, require each city and each county to adopt or update an infill ordinance or specific plan that identifies potential infill sites and specifies appropriate zoning to encourage infill development on vacant and underutilized parcels. It would require the infill ordinance to provide ~~at least~~ *least* 5 incentives for infill housing, as specified, *as well as an affordable housing strategy*. By imposing additional duties upon local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65458 is added to the Government
2 Code, to read:
3 65458. (a) One year following the next major revision of the
4 general plan, each city and each county shall adopt or update an
5 infill ordinance or specific plan that identifies potential infill sites
6 within the jurisdiction and specifies appropriate zoning for each
7 infill site to encourage infill development on vacant and
8 underutilized parcels. The infill ordinance shall provide at least
9 five of the following incentives for infill housing~~in~~, *as well as an*
10 *affordable housing strategy, for the designated infill sites:*
11 (1) Flexible and clear urban design guidelines and clear
12 procedures for review.
13 (2) Increased densities.
14 (3) Minimum densities.
15 (4) Increased building heights.
16 (5) Reduced development impact fees and services fees where
17 allowable.
18 (6) Establishment of a business improvement district or
19 community facilities district.
20 (7) Reduction of minimum lot sizes or allow for single-family
21 detached condominiums.
22 (8) Incentives for mixed use projects.
23 (9) Higher densities and lower parking requirements near
24 transit stations.
25 (10) Establishment of a housing trust fund~~—or—require~~
26 ~~inclusionary zoning.~~
27 (b) For purposes of this section, “upon the next revision of the
28 general plan” means the next revision of the housing element
29 according to the Department of Housing and Community
30 Development revision schedule, but no sooner than 2009.
31 (c) *The provisions of this section shall not apply to either of the*
32 *following:*
33 (1) *A city or county that makes a finding on the record that it*
34 *has an existing ordinance or specific plan that substantially*
35 *complies with the requirements of this section.*

1 (2) *A county with a population of 100,000 or less, and a*
2 *population growth rate of less than 3 percent annually, based on*
3 *the most recent county population projections from the*
4 *Department of Finance.*

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of
10 Section 17556 of the Government Code.

